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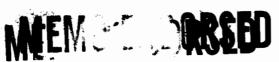
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STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO Attorney General

By Fax



LESLIE G. LEACH

Executive Deputy Attorney Conern Division of State Course JUNE DUFFY

Assistant Attorney General in The Litigation Burcan

ALLY FILED

May 19, 2008

The Honorable Theodore H. Katz United States Magistrate Judge United States District Court Southern District of New York 500 Pearl Street, Room 1660 New York, New York 10007 Fax: 212-805-7932

Brown v. Flynn, 07-Civ-9789 (RJH)(THK) (pro se)

Dear Judge Katz,

This Office expects to file an answer in the above captioned matter as to three of the four defendants tomorrow, May 20, 2008, but respectfully requests a six week extension on the time torespond to the complaint for defendant Rita Flynn, from May 20 to July 1, 2008.

As the undersigned informed the Court in defendants' previous extension application of April 14, 2008, because defendant Flynn is a plaintiff in a Title VII action against the Division of Parole Flynn v. N.Y.S. Division of Parole, 07-Civ-5821 (WCC)(MDF), a conflict of interest analysis was needed to determine whether this Office could represent Flynn in this case. Certification for outside counsel has been approved by the Bureau Chief and awaits a final determination by the Assistant Deputy Attorney General for State Counsel. Although this final determination is anticipated shortly, additional time is needed for Ms. Flynn to obtain the outside counsel. In the interim, plaintiff can proceed with document requests and interrogatories directed at the other defendants. The Court has granted three extension requests as to all defendants, only the last request involved the conflict issue, Plaintiff's consent has not been sought because of his current incarceration status.

Finally, plaintiff has submitted a motion for leave to file a Second Amended Complaint, which was not served on this office. Rather, plaintiff's Affirmation of Service expressly requested? that the Pro Se Clerk forward a copy to me, which, to my knowledge, did not occur. Because the motion does not identify the new facts he seeks to allege, defendants respectfully request that plaintiff's motion be denied.

cc:

By Post

Sherman Brown (Pro se)

# 2008-01530

Orange County Jail

100 Wells Farm Road

Goshen, New York 10924

Steven N. Schulman (SS-3894) Assistant Attorney General

Respectfully Submitted,

(212) 416-8654

Division of State Counsel . Litigation Bureau

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TO COUNSEL OF RECORD ON